



Signed and Filed: January 30, 2024

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:) Bankruptcy Case
PG&E CORPORATION,) No. 19-30088-DM
) Chapter 11
- and -) Jointly Administered
PACIFIC GAS AND ELECTRIC COMPANY,)
Reorganized Debtors.)
☐ Affects PG&E Corporation)
☐ Affects Pacific Gas and)
Electric Company)
☒ Affects both Debtors)
* All papers shall be filed in)
the Lead Case, No. 19-30088 (DM).)
)
)

**ORDER GRANTING MOTION FOR APPOINTMENT AS
LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

By its tentative ruling on PERA's Motion for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel (the "Motion"), the court indicated its tentative approval of PERA and its counsel even though there has not yet been class certification and notwithstanding the decision to preclude

1 discovery for now (See *Order Denying Requests for Limited*
2 *Discovery* at Dkt. 14292).

3 At the conclusion of the hearing on January 24, 2024, the
4 court authorized supplemental briefs from both sides. It has
5 now considered the *Reorganized Debtors' Supplemental Authorities*
6 *in Opposition to PERA's Motion for Appointment as Lead Plaintiff*
7 *and Approval of Selection of Lead Counsel* (Dkt. 14296) and
8 *PERA's Supplemental Authorities in Further Support of Motion for*
9 *Appointment as Lead Plaintiff and Approval of Selection of Lead*
10 *Counsel* (Dkt. 14297). It will adhere to the tentative ruling.

11 The plain language of Fed. R. Civ. P. 23(g)(3) states that
12 the power to appoint interim counsel is permissive and within
13 the discretion of the court. There is no support for the
14 suggestion that this power is only available in situations where
15 there are multiple counsel competing for the position. Finally,
16 the use of the term "plaintiff" rather than something like
17 "claimant" is nothing more than semantics given that class
18 actions such as this are so rare in bankruptcy.

19 Perhaps the most telling argument here is found in
20 decisions by several different judges in this district. Some
21 cited by Debtors in their most recent filing acknowledge that
22 interim class status may be "only appropriate in special
23 circumstances" (*Next Labs Litig*); "case does not present special
24 circumstances" (*LinkedIn Advert. Metrics Litig*); "necessary at
25 this stage to protect the interests of the putative class" (*S.C.*
26 *Johnson & Son, Inc. Windex Non-Toxic Litig*), and referring to
27 the "typical situation requiring interim appointment of interim
28 class counsel" (*Bielski v. Coinbase, Inc.*).

1 The unusual situation presented here is a fully underway
2 bankruptcy claims objection process with nearly 2000 unresolved
3 claims (many of which are held by *pro se* parties), running
4 parallel to a Rule 23 class action proceeding. This is the
5 quintessential poster child presenting the special circumstances
6 that require the Motion to be granted so that the interests of a
7 substantial group of claimants can be served more efficiently
8 and effectively.

9 The Motion is GRANTED.

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11 ****END OF ORDER****
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COURT SERVICE LIST

ECF Recipients